

REMARKS

The present application includes 21 claims. Claims 1-21 are now pending. Claims 1-21 are rejected.

Applicant acknowledges with appreciation the telephone interview of July 2, 2004, with the Examiner, during which the Examiner and the undersigned discussed the cited prior art and the claims prior to the amendments set forth above. The Examiner maintained his position set forth in the May 4, 2004 Office Action, while Applicant argued that the Mandell reference does not disclose at least a circuitry adapted to (1) determine an operating environment of the modem, and to (2) select one of the plurality of PRBS generator definitions based on the operating environment. As discussed with the Examiner, however, Applicant has amended all independent claims to generally recite, as more specifically set forth in the amended claims, that an indication of the selected PRBS generator is transmitted to a remote modem. The Examiner indicated in the interview that amendment of the claims, as set forth above, should place the pending claims in condition for allowance. The Examiner has also indicated that the cited prior art, U.S. Patent No. 5,955,917, to Mandell et al. ("Mandell"), does not disclose transmitting a selected sequence to another modem.

The Examiner also indicated during the interview that the rejection under 35 U.S.C. § 112 of claims 1-17 could be overcome if "circuitry" were replaced with "processing circuitry." The Examiner has indicated that the term "circuitry" is too broad and may indicate a complex circuitry or a simple one built using "two gates," which would not be capable of performing complex operations. Applicant, however, indicated that the use of this term was intended to be broad, and stated that claims 1-17 describe the circuitry as being "adapted to determine an operating environment of the communication node." Applicant contends that someone skilled in the art understands that a circuitry adapted to determine an operating environment need be complex enough to perform the indicated operation. However, Applicant has amended independent claims 1 and 7 to recite a "processing circuitry" instead of "circuitry." The Examiner indicated in the interview that amendment of the claims, as set forth above, should overcome the rejection under 35 U.S.C. § 112 of claims 1-17 and place the pending claims in condition for allowance.

Appl. No. 09/923,497
Resp. dated July 29, 2004
Resp. to Office action of May 4, 2004

Also, as stated during the interview, Applicant reserves the right to resubmit the above claims, prior to the above amendments, in a new application and continue prosecution to further address the Examiner's rejection of those claims.


Based on at least the foregoing, applicant believes that claims 1-21 are in condition for allowance. If the Examiner disagrees or has any questions regarding this submission, applicant invites the Examiner to telephone the undersigned at (312) 775-8000.

A Notice of Allowability is courteously solicited.

The Commissioner is hereby authorized to charge any additional fees or credit any overpayment to the deposit account of McAndrews, Held & Malloy, Account No. 13-0017.

Dated: July 29, 2004

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'C. Winslade', written over a horizontal line.

Christopher C. Winslade
Reg. No. 36,308
Attorney for applicant

McAndrews, Held & Malloy, Ltd.
500 W. Madison, Ste. 3400
Chicago, IL 60661
(312) 775-8000